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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

2-5695-004

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 6,386,321, granted May 14, 2002 and for which a reissue patent is sought on the invention entitled SELF LEVELING TREE STAND,

the specification of which

☒ is attached hereto.☐ was filed on _____ as reissue application number _____and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☐ by reason of a defective specification or drawing.☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

Please see Sections A and B of the attached REISSUE APPLICATION

DECLARATION BY INVENTOR UNDER 37 C.F.R. §1.175(a).

[Page 1 of 2]

This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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(REISSUE APPLICATION DECLARATION BY THE INVENTOR, page 2)

Docket Number (Optional)

2-5695-004

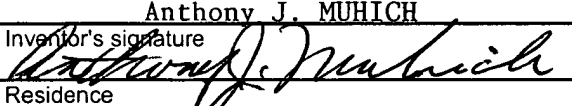
All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

☒ Customer Number: 00803

OR

<input type="checkbox"/> Firm or Individual Name				
Address				
Address				
City		State		Zip
Country				
Telephone		Fax		
I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.				
Full name of sole or first inventor (given name, family name)				
Anthony J. MUHICH				
Inventor's signature			Date	Nov. 12-03
Residence	Joliet, Illinois 60435		Citizenship	USA
Mailing Address				
2211 Brookwood Ct.				
Full name of second joint inventor (given name, family name)				
Inventor's signature		Date		
Residence		Citizenship		
Mailing Address				
Full name of third joint inventor (given name, family name)				
Inventor's signature		Date		
Residence		Citizenship		
Mailing Address				
<input type="checkbox"/> Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.				

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tony Muhich

Ser. No. REISSUE OF 09/816,901

Group Art Unit: 3634

Filed: Original Appl. filed March 23, 2001

Examiner: Hugh B. Thompson

Patent No. 6,386,321

Issued: May 14, 2002

For: SELF LEVELING TREE STAND

REISSUE APPLICATION DECLARATION BY
INVENTOR UNDER 37 C.F.R. §1.175(a)

Mail Stop Reissue
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

As the below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first inventor of the subject matter which is described and claimed in Letters Patent No. 6,386,321 granted on May 14, 2002, and in the specification and for which invention I solicit a reissue patent by the above designated reissue application.

I hereby state that I have reviewed and understand the contents of the above identified reissue application specification, including the original claims and those claims set forth in the instant Amendment filed with said reissue application, under the provisions of 37 C.F.R. 1.129(a).

I acknowledge the duty to disclose information which is material to the examination of this application namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent, as required by 37 C.F.R. §1.56(a). In compliance with this due, I have previously attached an information disclosure statement in accordance with 37 C.F.R. 1.98.

This Declaration is supplemental to that filed with the Reissue application herein, and I request the benefit of the earlier filed Declaration not inconsistent with the instant Declaration.

STATEMENT OF INOPERATIVENESS OR INVALIDITY
OF ORIGINAL PATENT 37 C.F.R. 1.175

I believe the original patent to be partly invalid because of error without any deceptive intent on the part of the Applicant for the following reasons.

Applicant's belief that the original patent is partly invalid is by reason of claiming less than he had the right to claim in the patent.

Although allowed claims 1-7 do define certain patentable features of the specific structure for the tree stand disclosed; the full invention as set forth in claims 8-10 added by this Reissue application was never claimed in the original application.

A. THE ERROR RELIED UPON

The full invention as set forth in claims 8-10 added by this Reissue application was never claimed in the original application. The error is believed to have arisen by a lack of communication between the patentee, Tony Muhich and his patent attorney,

Richard W. Goldstein, of Staten Island, New York. The error arose without any deceptive intention on the part of the Applicant, and the error relied upon is particularly specified hereinafter, with details as to how it arose.

I, Tony Muhich, manufacture and have manufactured for me, archery equipment which I sell to distributors at wholesale prices and to individuals at retail prices. I have made my living in the archery and bow hunting business for forty (40) years. Having approved the drawings, the specification and the claims as to my invention filed on March 21, 2001 as Serial No. 09/816,901, I was of the opinion that Mr. Goldstein knew what he was doing, and left the protection to him, accepting the final patent.

At all times up until recently, I was of the opinion that my patent was broad enough to literally cover a tree stand with at least one leveling mechanism for leveling a tree stand platform from front to back. I also thought my patent was broad enough to literally cover a tree stand with at least one leveling mechanism for leveling from one side to the other. I am currently advised that my opinions of the last two sentences are in error.

B. HOW AND WHEN THE ERROR AROSE AND WAS DISCOVERED

Sometime between February 1 and May 1, 2003, I asked my current Patent Attorney, Michael O. Sturm to investigate what I thought was an infringing tree stand product. During the course of that investigation, I was informed by Mr. Sturm that my patent claims did not cover my invention as I thought it did, and it was pointed out to me that my present claims literally covered only a structure of upper and lower levelers and did not literally cover a tree stand with no lower levelers. It was also pointed out to me by Mr. Sturm, that my present claims literally require two

seat supports, though only one is necessary, and an adjustable seat, which is an optional feature. Also, the shape of the platform is claimed literally in claim 1 with specificity and it is my belief that in it's broadest form, my invention should not be limited to that specific shape of a platform.

During several telephone conferences beginning in April of 2003 with Michael O. Sturm, Patent Attorney with Sturm & Fix LLP, I told him that I believed the true invention of mine and as described above had not been brought before the Patent Office Examiner. Mr. Sturm, who has examined the file history of my patent application, agreed with my assessment of the situation. I was told by Mr. Sturm that by only by means of filing a reissue application within two years of the issue date of my patent could additional claims could be presented which are directed to a broader presentation of my invention.

I have looked at and understand new claims 8-17 attached hereto and believe that they truly represent a broader scope of my invention to which I am entitled, in addition to claims 1-7, which are of a much narrower scope.

C. HOW THE PRESENT REISSUE APPLICATION OVERCOMES THE INSUFFICIENCY IN THE ORIGINAL CLAIMS

The invention of original claim 1, the only independent claim of my patent, relates only literally to claims of a platform which is wider at the front than in the back, a pair of seat supports, a seat assembly which is adjustable in height, a pair of lower levelers and a pair of upper levelers, all claimed with specificity.

Newly proposed independent reissue claim 8 differs from and corrects the errors of original claims 1-7 in that the all of the underlined subject matter listed in the paragraph

immediately above have been removed and some other elements of claim 1 are claimed more broadly in claim 8.

The invention of original claim 1, the only independent claim of my patent, relates only literally to claims of a platform which is wider at the front than in the back, a pair of seat supports, a seat assembly which is adjustable in height, a pair of upper levelers and a pair of lower levelers, all claimed with specificity.

Newly proposed independent reissue claim 12 differs from and corrects the errors of original claims 1-7 in that the all of the underlined subject matter listed in the paragraph immediately above have been removed and some other elements of claim 1 are claimed more broadly in claim 12.

Dependent claims 9-11 and 13-17 further limit claims 8 or 12.

I hereby declare that all statements made herein of my knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole inventor Anthony J. MUHIGH a/k/a Tony Muhich
Inventor's signature *Anthony J. Muhich* Date NOV. 12-03 ✓
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